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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _31 October 2008_.

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-10 and 21-40_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-10 and 21-40_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _10/31/2008, 12/1/2008_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to applicant's amendment dated 10/31/2008.

2.   Claims 1-10 and 21-40 are pending in the case.

3.   Claims 11-20 are cancelled.

4.   Claims 1, 21 and 27 are independent claims.

Applicant's Response

5.   In Applicant's response dated 10/31/2008, applicant has amended the

following:

      a) Claims 1-10, 21-32, 34, 35 and 38-40

      Based on Applicant's amendments and remarks, the following rejections

previously set forth in Office Action dated 7/31/2008 are withdrawn:

      a) 35 U.S.C. 101 Rejection to claims 21-26 and 33-40

Information Disclosure Statement

6.   The information disclosure statements (IDS) submitted on 10/31/2008 and

12/1/2008 are in compliance with the provisions of 37 CFR 1.97. Accordingly,

the examiner is considering the information disclosure statements.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described
> as set forth in section 102 of this title, if the differences between the subject matter sought to
> be patented and the prior art are such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person having ordinary skill in the art to which
> said subject matter pertains. Patentability shall not be negatived by the manner in which the
> invention was made.

8.   **Claims 1-9, 21-31 and 33-38 are rejected under 35 U.S.C. 103(a) as**

being unpatentable over Sylor et al. (hereinafter "Sylor") U.S. Publication

Application No. 2002/0186238 A1 in view of Viswanath et al. (hereinafter

"Viswanath"), U.S. Patent Publication No. 2004/0019662.

Claim 1:

Sylor teaches **a computer-implemented method employed within a**

network comprising: displaying a hierarchical tree structure having a first

plurality of selectable tree nodes in a graphical user interface, each of the

first plurality of selectable tree nodes representing a resource of the

application server; (see abstract, par. 51, the nodes of the interactive

hierarchical display represent network resources that can be monitored)

        wherein at least one of the first plurality of selectable tree nodes is a

monitor service node representing the monitor service; (see par. 51, par. 63

– resources may represent services) **receiving a first indication that the**

monitor service node is selected; and in response to receiving the first

indication, displaying a representation of the hierarchical monitor tree in

the graphical user interface (see par. 18, par. 104, par. 146 -mouse-over or

click on resource nodes to show a hierarchical tree of resource profiles)**, the displayed representation of the hierarchical monitor tree having a second plurality of tree nodes** (see par. 19, par. 146, Figure 9B – the child resource profiles nodes of the hierarchical tree of resource profiles are selectable)

Sylor in view of Viswanath teaches **each providing an interface to a respective one of the monitor managed beans of the plurality of monitor tree nodes**.

Sylor teaches monitoring a resource with a monitor service (see par. 51, par. 63).

Sylor fails to expressly teach a managed bean.

However, Viswanath teaches **monitoring a managed bean server with a monitor service of an application server the managed bean server providing a management service for a plurality of resources, wherein monitoring the managed bean server includes** (see par. 19, par. 24, par. 69),

the monitor service creating a hierarchical monitor tree in the managed bean server according to semantics retrieved by the monitor service, the hierarchical monitor tree including a plurality of monitor tree nodes each having a monitor managed been, and (see par. 25-26, par. 67-70- Examiner interprets the generated hierarchical elements with beans to anticipate the recited monitor tree)

one of the monitor managed beans of the plurality of monitor tree

nodes retrieving monitoring data of one of the plurality of resources via a

runtime bean of the managed bean server; (see par. 28)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Sylor's invention of monitored resources to include

the monitored servers based on the J2EE distributed computing model as taught

by Viswanath to provide the benefit adapting legacy systems for new

management and monitoring solutions (see Sylor; par. 51, par. 63) (see

Viswanath; par. 10-20).

Claim 2:

Sylor teaches **wherein each of the second plurality of selectable**

nodes includes a status indicator to provide a graphical illustration of a

current status of a monitored resource. (see par. 20, par. 136 – visual trait

illustrating the severity of the status associated with the selectable resource

profile)

Claim 3:

Sylor teaches **receiving a second indication that one of the second**

plurality of selectable tree nodes is selected; and in response to the

second indication, configuring one of the plurality of monitor tree nodes.

(see par. 17, par. 185 – configuring the propagation rule of the selected

hierarchical resource profile)

Claim 4:

Sylor teaches **setting a monitoring period.** (see par. 17, par. 173)

Claim 5:

Sylor teaches **configuring the one of the plurality of monitor tree nodes to provide an alarm if a resource corresponding to the one of the plurality of monitor tree nodes malfunctions.** (see par. 95-97)

Claim 6:

Sylor teaches **configuring the one of the plurality of monitor tree nodes to poll monitor data from a resource corresponding to the one of the plurality of monitor tree nodes** (see par. 173-175).

Claim 7:

Sylor teaches **configuring the one of the plurality of monitor tree node to push monitor data from a resource corresponding to the one of the plurality of monitor tree nodes.** (see par. 206)

Claim 8:

Sylor teaches **setting a threshold value for the one of the plurality of monitor tree nodes, wherein the one of the plurality of monitor tree node is**

to provide a third indication if the threshold value is detected (see par. 68-

69).

Claim 9:

Sylor teaches **receiving a fourth indication that one of the second**

plurality of selectable tree nodes is selected; and in response to the fourth

indication, displaying a history of monitor data collected by one of the

monitor tree nodes (see par. 141-144).

Claims 21 and 33:

Claims 21 and 33 are directed towards system claims and are

substantially encompassed in method claim 1; therefore the system claims are

rejected under the same rationale as method claim 1 above.

Claim 22:

Claim 22 is directed towards a system claim and is substantially

encompassed in method claim 3; therefore the system claim is rejected under the

same rationale as method claim 3 above.

Claim 23:

Claim 23 is directed towards a system claim and is substantially

encompassed in method claim 4; therefore the system claim is rejected under the

same rationale as method claim 4 above.

Claim 24:

Claim 24 is directed towards a system claim and is substantially

encompassed in method claim 5; therefore the system claim is rejected under the

same rationale as method claim 5 above.

Claim 25:

Claim 25 is directed towards a system claim and is substantially

encompassed in method claim 6; therefore the system claim is rejected under the

same rationale as method claim 6 above.

Claim 26:

Claim 26 is directed towards a system claim and is substantially

encompassed in method claim 8; therefore the system claim is rejected under the

same rationale as method claim 8 above.

Claims 27-31:

Claims 27, 28, 29, 30 and 31 are directed towards manufacture claims

and are substantially encompassed in method claims 1, 3, 4, 5, and 9

respectively; therefore the manufacture claims are rejected under the same

rationale as method claims 1, 3, 4, 5 and 9 above.

Claim 34:

Claim 34 is directed towards a system claim and is substantially

encompassed in method claim 3; therefore the system claim is rejected under the

same rationale as method claim 3 above.

Claim 35:

Sylor teaches **wherein displaying information related to the plurality**

of hierarchical monitor tree nodes includes displaying at least one of a

name of the selected hierarchical monitor tree node, a description of the

selected hierarchical monitor tree node, a monitor type for the selected

hierarchical monitor tree node, and monitor data. (see par. 64-65)

Claim 36:

Sylor teaches **wherein the window pane further comprises: a**

selectable configuration command; wherein the system further comprises

a means for displaying one or more selectable monitor tree node

configuration options in response to a selection of the configuration

command. (see Figure 6B)

Claim 37:

Sylor teaches **wherein the one or more hierarchical monitor tree node**

configuration options include at least one of a monitoring period field to

receive a value specifying a monitoring period, a resource malfunction

response indicator to specify a response of the selected hierarchical

monitor tree node, if a resource malfunctions, a data collection indicator to

indicate whether monitor data is to be pushed from the resource, and a

threshold value field to receive a threshold value for specifying a threshold

of the resource. (see par. 17, par. 68-69, par. 95-97, par. 173, par. 206)

Claim 38:

Sylor teaches **a data history command; and wherein the system**

further comprising a means for displaying in response to a selection of the

monitor data history command, a monitor data history pop-up window to

provide a history of monitor data collected by the selected hierarchical

monitor tree node. (see Sylor; par. 141-144)

9.   **Claims 10, 32, 39 and 40 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Sylor, in view of Viswanath as cited above, in further

view of Kekic et al. (hereinafter "Kekic"), U.S. Patent No. 6,664,978 B1.

Claim 10:

Neither Sylor nor Viswanath expressly teach displaying a table of monitor

data.

However, Kekic teaches *"Column: Date & Time and Description: Day and*

Time when the alarm occurred" (see col. 48 Table 7). **(claim 10; i.e., displaying**

a table of monitor data, the displayed table including a time column to

display a time when an item of monitor data is collected and one or more

columns of monitor data.) Examiner interprets the table shown in Kekic's

Figure 31 to have a time column and additional columns of monitor data.

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Sylor's invention of monitored resources to include

the monitored servers based on the J2EE distributed computing model as taught

by Viswanath and to enable the display window as taught by Sylor to display the

alarm history log the includes a time column as taught by Kekic to provide the

benefit of viewing the detailed history of the triggered alarm. Thus, displaying a

time column in the history of the alarm log in a graphical interface such as the

management console would dramatically reduce the time and complexity of

managing a computer network due to the accuracy of the history log. (see Sylor;

par. 141-144) (see Viswanath; par. 10-20) (see Kekic; Figure 31, col. 48 Table

7).

Claim 32:

Claim 32 includes a program embodied on a computer readable medium

to implement the steps that are substantially encompassed in method claim 10;

therefore the claim is rejected under the same rationale as method claim 10

above.

Claims 39 and 40:

Claims 39 and 40 are directed towards system claims and are

substantially encompassed in method claim 10; therefore the system claims are

rejected under the same rationale as method claim 10 above. In respect to the

monitor data history pop-up window providing a table as recited system claims 39

and 40, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to use the table illustrated in Kekic's Figure 31 to

perform the limitations of system claims 39 and 40 as further explained in the

rationale of method claim 10 above.

Response to Arguments

Applicant's arguments with respect to claims 1-10 and 21-40 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Orr whose telephone number is (571) 270 1308. The examiner can normally be reached on Monday thru Friday 8 to 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Hutton can be reached on (571) 272-4137. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from

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1/31/2009

HO

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